

### REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on July 15, 2003, and the references cited therewith. Claims 8-11, 13-14, and 19-20 are amended, claims 1-7, 15, and 21-33 are canceled, and claims 35-42 are added; as a result, claims 8-14, 16-20, and 34-42 are now pending in this application.

It is respectfully noted that on January 31, 2003, Applicants filed an Amendment and Response to the Office Action mailed on October 10, 2002. However, this Amendment and Response was not considered or entered in the Office Action mailed on July 15, 2003. Therefore, Applicants hereby withdraw the Amendment and Response of January 31, 2003 in favor of the Amendment and Response submitted herein.

Applicants would like to thank Examiner Rebecca Cook for the courtesy extended during telephonic interview on October 16, 2003. On October 16, 2003, the below-signed attorney and attorney Robert J. Harris (Reg. No. 37,346) called the Examiner to discuss why the previously filed Amendment and Response was not entered, to discuss the subject matter of claims 15 and 34, and to discuss the allowability of claims directed to inhibiting metastasis of melanoma (added herein as claim 36).

The above account is believed to be a complete and accurate summary of the telephonic interview as required by 37 C.F.R. §1.133. If the Examiner believes that this summary is inaccurate or incomplete, Applicants respectfully request that the Examiner point out any deficiencies in her next communication so that Applicants can amend or supplement the interview summary.

Support for the amendments to the claims is found in the specification. Claims 8-11, 13, and 19-20 are amended to recite the proper dependencies. Claim 14 was amended to incorporate the language of dependent claim 15. New claims 35 and 38 are supported by originally filed claim 9, at page 3, line 18, and at page 5, lines 29-30. New claim 36 is supported by originally filed claims 3 and 4, and in Example 2. New claims 37, 39, 40, 41, and 42 are supported by originally filed claims 8, 10, 11, 12, and 13, respectively. It is believed that no new matter is added by the amendments to the claims.

In the Office Action mailed on July 15, 2003, the Examiner objected to claims 15 and 34 (see Office Action Summary, PTO form 326). It is noted that claim 34 is already in independent

format, and no rejections to this claim were made in the Office Action. Therefore, claim 34 should be allowable. Claim 15 has been placed in independent format (see amended claim 14), and therefore, it is believed to be allowable.

The dependencies of claims 8-11, 13, 16-20 and 35 have been amended. Therefore, it is believed that claims 8-11, 13, 16-20 and 35, and claim 12 (which was not amended), are also allowable.

#### **I. Information Disclosure Statement**

Applicants submitted an Information Disclosure Statement and a 1449 Form on June 25, 2002. Applicants respectfully request that initialed copies of the 1449 Forms be returned to Applicants' Representatives to indicate that the cited references have been considered by the Examiner.

#### **II. The Rejections under 35 U.S.C. §112 and §102(b)**

Claims 1, 8-14, 16-18, and 31-33 were rejected under 35 U.S.C. § 112, first paragraph, because the specification, while being enabling for the specific tumors or cancers disclosed, does not reasonably provide enablement for the term "tumor" or "cancer." Claims 1, 8-14, 16-18, and 31-33 were also rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over the Abdul et al. (The Journal of Urology, 154). These rejections are respectfully traversed.

The claims as amended are directed to the subject matter of previously pending claims 15 and 34, which were not rejected under 35 U.S.C. § 112, first paragraph, and 35 U.S.C. § 102(b) in the Office Action. Therefore, the rejections under 35 U.S.C. § 112, first paragraph, and 35 U.S.C. § 102(b) are believed to be moot.

**CONCLUSION**

Applicant respectfully submits that all of the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 349-9580 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743

Respectfully submitted,

GARY G. MEADOWS ET AL.

By their Representatives,

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Date

December 15, 2003

By

Patti J. Jurkovich

Patti J. Jurkovich

Reg. No. 44,813

**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 15 day of December, 2003.

Name

Conna Uphus

Signature

Conna Uphus